

NOT YET SCHEDULED FOR ORAL ARGUMENT

Nos. 24-7122 & 24-7123

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMAALA JONES-BEY, *et al.*,
APPELLEES,

V.

DISTRICT OF COLUMBIA, *et al.*,
APPELLANTS.

ON APPEAL FROM A JUDGMENT OF THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**APPELLANTS TEJERA, NOVICK, AND AL-SHRAWI'S
UNOPPOSED MOTION TO CONSOLIDATE CASES AND TO
MODIFY BRIEFING SCHEDULE**

Defendant-appellants Carlos Tejera, Cory Novick, and Ahmed Al-Shrawi move to consolidate the present appeal (Nos. 24-7122 & 24-7123) with the appeal recently filed by defendant Andrew Zabavsky (No. 25-7027) in the same underlying case, *Jones-Bey v. District of Columbia*, No. 21-cv-2674 (JMC). As part of their request to consolidate, Tejera, Novick, and Al-Shawri request a new consolidated briefing schedule in lieu of the briefing schedule issued in the present appeal on February 6, 2025. Defendant-appellant Terence Sutton and plaintiff Amaala Jones-Bey, in her capacity as Personal Representative of the Estate of Karon Hylton-Brown

and on behalf of her minor child, Z.J.-B., consent to this relief. Zabavsky and plaintiff-intervenor Karen Hylton, the other parties to these appeals, do not oppose this relief either.

Consolidation of these appeals would be in the interest of judicial economy. The present appeal and Zabavsky's appeal involve not only the same case but the same issues: whether the district court erred in denying defendants qualified immunity on plaintiffs' Fifth Amendment substance due process claim arising from a police pursuit. No briefs have yet been filed in these appeals. The opening briefs in the present appeal are currently not due until March 17, and the Court has already directed initial submissions in Zabavsky's appeal. Consolidation would thus allow the Court to issue a new, consolidated briefing schedule, thereby avoiding the duplicative briefing and appendices that separate appeals would create. Consolidation would further promote efficiency by allowing a single oral argument and a single judicial decision on the same issues in the same case.

Accordingly, this Court should consolidate the present appeal (Nos. 24-7122 & 24-7123) with Zabavsky's appeal (No. 25-7027), vacate the briefing schedule in the present appeal, and direct the parties in the newly consolidated appeals to propose a new briefing schedule.

Respectfully submitted,

BRIAN L. SCHWALB

Attorney General for the District of Columbia

CAROLINE S. VAN ZILE

Solicitor General

ASHWIN P. PHATAK

Principal Deputy Solicitor General

/s/ Carl J. Schifferle

CARL J. SCHIFFERLE

Deputy Solicitor General

Bar Number 463491

Office of the Solicitor General

Office of the Attorney General

400 6th Street, NW, Suite 8100

Washington, D.C. 20001

(202) 724-6624

(202) 730-1472 (fax)

carl.schifferle@dc.gov

March 2025

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation in Federal Rule of Appellate Procedure 27(d)(1) because the motion contains 295 words, excluding exempted parts. This motion complies with the typeface and type style requirements of Federal Rule of Appellate Procedure 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman 14-point font.

/s/ Carl J. Schifferle

CARL J. SCHIFFERLE